

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,

v.

CHARLES EDWARD SMITH

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No. 3:04-CR-58  
(Phillips)

**ORDER**

This matter is before the court on a motion for early release from incarceration filed on behalf of defendant by his wife, Sherry Smith. In support of the motion for early release, Mrs. Smith states that she recently had surgery on her hand and she requests her husband's early release from prison to assist her during recovery. Although the court is sympathetic to Mrs. Smith's needs, the motion is insufficient, as a matter of law, to justify defendant's early release from incarceration. Accordingly, the motion is **DENIED**.

**ENTER:**

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s/ Thomas W. Phillips  
United States District Judge